

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Applicant,

v.

HEARTHSIDE FOOD
SOLUTIONS, L.L.C.,

Respondent.

Misc. Action No.
Hon.

**DECLARATION OF RAMIRO GUTIERREZ IN SUPPORT OF
THE EEOC’S MOTION FOR AN ORDER TO SHOW CAUSE**

I, Ramiro Gutierrez, declare under penalty of perjury and state:

1. I am the Director of the Detroit Field Office of the Equal Employment Opportunity Commission (“EEOC” or “Commission”). In that role, I am responsible for the operations of the office, including the investigation of charges of employment discrimination.

2. The Detroit Field Office is responsible for investigating charges that employers have engaged in employment practices made unlawful by Americans with Disabilities Act of 1990 as amended (“ADA”).

Exhibit A

3. Among the EEOC's investigative files in the Detroit Field Office is the charge file for Charge No. 471-2023-02130 (the "Charge"), filed against Respondent Hearthside Food Solutions, LLC ("Respondent"), located in Kentwood, Michigan. Exhibit B.

4. I state the following based on my personal examination of the file for Charge No. 471-2023-02130:

- a. On June 28, 2023, the EEOC's Detroit Field Office received a Charge filed under the ADA by the Charging Party, who alleges he was fired because of his disability and in retaliation for seeking a reasonable accommodation for his disability. Exhibit B.
- b. The Charge was timely filed.
- c. On July 7, 2023, a Notice of Charge of Discrimination was sent to Respondent. Exhibit C.
- d. On September 1, 2023, Respondent provided the EEOC with a copy of the February 3, 2023, termination letter it sent to Charging Party. Exhibit D.
- e. On July 3, 2024, as part of the investigation of the Charge, the EEOC issued Subpoena No. DT-24-28 to the Respondent

with a due date of July 18, 2024. The EEOC served the subpoena via mail to Respondent's resident agent and made the subpoena available to the Respondent on the EEOC online portal. Exhibit E.

- f. Respondent did not file a Petition to Revoke or Modify the Subpoena.
 - g. Respondent has not provided the information and documents sought in the Subpoena.
5. To date, Respondent has refused to comply with the Subpoena.
6. Respondent's failure to comply with the Subpoena has delayed and hampered the EEOC's investigation.

I declare under penalty of perjury that the foregoing is true and correct.



Ramiro Gutierrez Director,
Detroit Field Office

Dated: September 16, 2024